UNITED STATES PATENT AND TRADEMARK OFFICE

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10/053,402	01/17/2002	Jeffrey G. Anderson	14466-006001	1590

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EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 31-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20, 31-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

- This action is responsive to the amendment and remarks file on 3/22/07.

- Claims 1-20, 31-33 are amended are for further examination.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20, 31-33 has been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hile et al hereinafter Hile (US 2002/0023140) in view of Pennec et al hereinafter Pennec

(US 2005/0283462).

1. Referring to Claims 1, 8 and 15, Hile discloses a computer implemented method for remote

access to files for a local agent module, comprising:

polling a server for a task request (refer to 0021, and 0027);

receiving a task request from the server (refer to 0021);

executing a task indicated by the task request (refer to 0021);

task request identifying a file the local computer (refer to 0021)

causing a file to be uploaded from the local computer, the file identified in the task request, to a

server (refer to 0021);

one or more protocol stacks for communicating over a network with the server (refer to 0022).

waiting for a schedule timer to expire (time left to expire, refer to 0019); and

repeating the above act (repetition of the methods caused by the timer to restarted again, refer to

0019).

Although Hile disclosed the invention substantially as claimed, Hile is silence regarding

disclosed the task request generated by a remote client computer, the task request requesting a

file from the local computer.

Pennec, in an analogous art disclosed the task request generated by a remote client computer, the

task request requesting a file from the local computer (refer to 0037, Lines 20-27 and Lines 30-

34 and 0043);

Hence, providing the task request generated by a remote client computer, the task request

requesting a file from the local computer disclosed by Pennec, would be desired for user to

implement in the system, because Hile's invention is target toward the file transmission, and

would only be obvious if the another party start requesting for file transfer first, in order for the

original party to transfer files.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the

art to have modified the system of Hile by including the features which provides the request a

file initially.

2. Referring to Claims 2 and 9, Hile discloses

setting up local agent preferences (refer to 0027);

setting up remote client preferences (refer to 0026);

initiating the act of polling, based on the local agent preferences (refer to 0027);

and initiating an act of uploading based on the remote client preferences (refer to 0018, 0025).

3. Referring to Claims 3 and 10, Hile discloses wherein the act of polling occurs over a

transmission control protocol/internet protocol stack, through functions specified in a simple

object access protocol interpreter (refer to 0015).

4. Referring to Claims 4 and 11, Hile discloses wherein the act of executing the task includes:

initiating a request to a subsystem for the file (refer to 0020);

and receiving the file from the subsystem (refer to 0026

5. Referring to Claim 6 and 13, Hile discloses wherein the act of executing the task includes:

initiating a request to a message access protocol interface for the file from a message access

protocol interface database (it is inherent the system comprises a database/memories that stores

information/files)

and receiving the file from the message access protocol database (refer to 0015, 0021).

6. Referring to Claims 7 and 14, Hile discloses wherein the act of uploading the file includes

instructing the file to be sent to the server (refer to 0021), but Hile discloses the use of message

access protocol (refer to 0015).

7. Referring to Claim 16, Hile discloses wherein the one or more protocol stacks includes a transmission control protocol/internet protocol stack (refer to 0015).

8. Referring to Claim 17, Hile discloses wherein the one or more protocol stacks includes a simple object access protocol interpreters (refer to 0015).

9. Referring to Claim 18, Hile discloses comprising a subsystem for executing a task from the task request (refer to 0014).

10. Referring to Claim 19, Hile discloses configured to initiate a request to a message application programming interface database (refer to 0020-0022).

11. Referring to Claim 20, Hile discloses configured to receive a file from a message application programming interface database (refer to 0020-0022).

12. Referring to Claims 5 and 12, Hile discloses wherein the act of executing the task includes:

initiating a request to a subsystem for the file (refer to 0020).

instructing the subsystem to upload the file to the server (refer to 0021-0022).

receiving an indication that the file was uploaded to the server (0024).

13. Referring to Claims 31, 32 and 33, Hile disclosed wherein the timer resides in and in

controlled by the local agent module (refer to 0019, transfer agent is responsible to poll the

server, which must contain a timer in order to perform the function.).

Conclusion

1.   **Examiner's Notes**: Examiner has cited particular columns and line numbers in

the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner. In the case of amending the claimed invention, Applicant

is respectfully requested to indicate the portion(s) of the specification which dictate(s)

the structure relied on for proper interpretation and also to verify and ascertain the

metes and bounds of the claimed invention.

2.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C. Tang whose telephone number is (571)272-

3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen Tang

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

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